

PROGRESS REPORT #12

Comm 10 CODE REVISION COMMITTEE

DATE: Thursday, December 5, 2002

TIME: 9:00 – 2:30

PLACE: Conference Room 3B, Thompson Commerce Center, Madison, WI

COMMITTEE MEMBER	REPRESENTATION	
Bob Bartlett	Petroleum Marketers Association of Wisconsin (PMAW)	Present* (Tom Reinsch, alt.)
Dave Ciepluch	Wisconsin Utilities Association	Present
Tim Clay	Wisconsin Federation of Cooperatives (WFC)	Present
Paul Knower	Wisconsin Petroleum Equipment Contractors Association (WisPEC)	Present
Dick Marx	Wisconsin Fire Inspectors Association	Present
Bill Noel	WI Paper Council	Present
John Reed	Wisconsin Airport Management Association	Excused
Erin Roth	Wisconsin Petroleum Council (WPC)	Present* (Bob Elvert, alt)
Dale Safer	WI Innkeepers	Absent
Steve Danner	Wisconsin Aviation Trades Association	Absent
Gary Pate	WI Insurance Alliance	Absent
	Wisconsin Fire Chief's Association	

STAFF ATTENDANCE:

Sheldon Schall, ERS Div. (608)266-0956

Bill Sullivan, Safety & Buildings Div. (608)266-9643

Duane Hubeler, Administrative Services Div. (608)266-1390

Berni Mattsson, ERS Div. (608)266-8076

Greg Bareta, ERS Div. (608)267-9795

Mark Bennett, ERS Div. (608)266-8981

VISITORS:

Dana Ferguson,

Jolene Plautz

Don Johnston

Alliant Energy

KwikTrip

US Oil Co., Inc.

Larry Sands

Wisconsin Federation of Coops, Alt

ADMINISTRATIVE ISSUES:

Sheldon Schall called the meeting to order at 9:00 a.m.. Introductions were made and the progress report from 8/2/02 was reviewed and approved.

Duane Hubeler reviewed the progress report from the previous meeting. There were no comments or corrections offered.

IFC / NFPA 30 COMPARISON

In response to an earlier commitment by the department, Mark Bennett presented a 9-page comparison between key requirements in the International Fire Code (IFC) and NFPA 30A. The IFC adopts NFPA 30 and 30A as basic references and then adds modifications of detail or more restrictions and limitations in many applications. Comm 10 has traditionally also adopted NFPA 30 and 30A as basic references. Since publication of the IFC, it has also been consulted regularly for any value it might add to ch. Comm 10. Committee members were asked to review the comparison and make comments or corrections. The committee maintained an earlier recommendation, which is to use NFPA 30 and 30A as the primary regulatory standards to Comm 10.

NFPA 30A DISPENSER SETBACK CONFLICT

Sheldon led a discussion of a conflict between longtime Comm 10 practice and requirements in the newly adopted edition of NFPA 30A. Comm 10 has traditionally allowed no separation between the tank and dispenser for fleet fueling operations for all types of tanks. The new NFPA 30A allows this "zero setback" only for tanks with a fire protection rating. The August 2002 Comm 10 revision modified the requirements for dispenser to tank setback, resulting in some confusion regarding retroactivity and also an interpretation by some that the code is currently more strict on fleet fueling than on retail fueling. Sheldon expressed that the Department is evaluating the background behind the NFPA 30A requirement with current day practices and risks. A number of proposals were suggested to lessen the impact of this change such as address different types of vehicles (e.g. cars vs. lawn mowers), address different flammability classifications of the fuel (gasoline vs. diesel).

FUEL DISPENSING DRAFT

Duane Hubeler led a discussion of the latest version of the fuel dispensing draft. Discussion centered on the summary chart included at the end of the rule draft. There was discussion on how long a "temporary" tank could be left on a premises with or without secondary containment and how the LPO would be notified. One suggestion was to require a material approval for the design concept of the tank in exchange for a longer time on a specific premises. This concept will need to be researched by the department. Another recommendation was to clearly state that the LPO has "red tag" shut-down authority over tank wagons and movable tanks where there are obvious environmental or safety hazards.

HAZARDOUS LIQUIDS

Duane led the discussion of the latest version of the hazardous liquids draft. Many of the outstanding issues were clarified at a November meeting with the hazardous liquids storage subcommittee that Duane and Sheldon attended. Bill Noel provided a summary of the latest round of comments. The remaining issues involve the definition and possible exemptions for the "qualified engineer" who will design and oversee construction of hazardous liquid tank systems and, also, the extent of the exemption for 5,000 gallon AST's. Bill Noel and representatives from Commerce will be attending a meeting with Regulation and Licensing to discuss and clarify the criteria in determining a qualified engineer.

BULK PLANTS AND TERMINALS

The discussion on this topic centered around the use of the SP001 standard which covers the inspection of in-service shop fabricated AST's. A recommendation was made to require the use of this standard for all shop-built AST's over 5,000 gallons, since these are required to have a means of entry. It should be clearly stated in Comm 10 whether the standard covers tanks in buildings or tanks that have additional means of leak or spill containment. Sheldon commented that the EPA has recognized the STI standard to meet their SPCC periodic inspection requirement.

GENERAL CODE DEVELOPEMNT ISSUES

There was general discussion on most of the remaining topics such as definitions, seldom-used tanks, tank vehicles used as permanent tanks and tank closure. A recommendation was made that Comm 10 address the issue of a tank making a small move that may not necessarily require a full tank closure process. There was also the question of how does one know if a tank was properly closed at a previous location? Dick Marx reiterated an earlier recommendation that LPO inspection be required at tank closure. The Comm 10 Code Revision Committee support Dick's proposal. Sheldon commented that in consideration of the proposal, both administrative and financial issues come into the picture. The department will have to investigate the issue of payment for another mandatory inspection.

Sheldon explained the internal staff review process that would take place between this meeting and the next and anticipated final meeting of the code committee. Several major areas of code development in process are:

- ♦ Develop reference to current day UST and AST closure assessment protocol
- ♦ CP test form
- ♦ CP non compliance restoration requirements
- ♦ CP technician credentialling (Comm 5)
- ♦ Determine how container and package goods will be addressed in Comm 10 to accommodate the reorganization of the fire prevention program.
- ♦ Devise language to accommodate EPA State Program Approval criteria
- ♦ Develop support and reference guidance in code appendix

Sheldon and Cathy Cliff recognized the time and effort that the committee members have put into the thirteen code committee meetings and especially the work that the subcommittee chairpersons put into organizing their respective group meetings and providing feedback to the committee and Commerce.

NEXT MEETING: There is one more meeting of the full Comm 10 Committee planned for approximately March or April. This meeting is anticipated to be the last meeting prior to holding public hearings on the full draft. Members will be contacted regarding possible meeting dates.